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Administration*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ONLINE MERCHANTS GUILD,

Plaintiff,

v.

**NICOLAS MADUROS, DIRECTOR,
CALIFORNIA DEPARTMENT OF TAX
& FEE ADMINISTRATION,**

Defendant.

2:20-cv-01952-MCE-DB

**JOINT MOTION REGARDING
SCHEDULING OF MOTION FOR
PRELIMINARY INJUNCTION AND
MOTION TO DISMISS; SCHEDULING
ORDER**

Judge: The Honorable Morrison C.
England, Jr.

Trial Date: Not Set

Action Filed: September 29, 2020

1 Plaintiff Online Merchants Guild and Defendant Nicholas Maduros, Director, California
2 Department of Tax and Fee Administration, by and through their respective counsel, hereby
3 jointly move for a scheduling order, as follows:

- 4 A. Whereas, Plaintiff intends to file a motion for a preliminary injunction;
5 B. Whereas, Defendant intends to respond to Plaintiff's complaint by filing a motion to
6 dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure;
7 C. Whereas, the issues to be briefed in the motion for a preliminary injunction and the
8 motion to dismiss overlap to a degree;
9 D. Whereas, the parties agree that it would be efficient to coordinate a briefing schedule
10 for the motion for a preliminary injunction and motion to dismiss, whereby each
11 motion is filed on the same day, each opposition is filed on the same day, and each
12 reply is filed on the same day;
13 E. Whereas, Defendant's response to the complaint is currently due on December 4,
14 2020 because the parties filed a stipulation on October 30, 2020 extending the
15 deadline by the maximum amount permitted by Local Rule 144(a) (Docket No. 10);
16 F. Whereas, the issues to be briefed in the motion for a preliminary injunction and the
17 motion to dismiss are complex and would benefit from a further extension of time;

18 NOW, THEREFORE, PLAINTIFF AND DEFENDANT JOINTLY MOVE THAT:

- 19 1. The court extend Defendant's deadline to respond to the complaint to December 18,
20 2020;
21 2. The court adopt the following briefing and hearing schedule:

22
23 December 18, 2020: Plaintiff files motion for preliminary injunction and

24 Defendant files motion to dismiss

25 January 29, 2021: Plaintiff responds to motion to dismiss and

26 Defendant responds to motion for preliminary injunction

27 February 26, 2021: Reply briefs
28

March 25, 2021: Noticed hearing date for both motions, subject to
Judge England's Standard Information and the Initial Pretrial
Scheduling Order dated September 30, 2020 (Docket No. 4)

Respectfully submitted,

Dated: November 17, 2020

XAVIER BECERRA
Attorney General of California
MOLLY K. MOSLEY
Supervising Deputy Attorney General

By: /s/ Michael Sapoznikow
MICHAEL SAPOZNIKOW
Deputy Attorney General

*Attorneys for Defendant
California Department of Tax and Fee
Administration - General*

Dated: November 17, 2020

Respectfully Submitted

By: /s/ Aaron K. Block
AARON K. BLOCK
The Block Firm
(as authorized via email on Nov. 17, 2020)

*Attorney for Plaintiff
Online Merchants Guild*

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SCHEDULING ORDER

Pursuant to the Joint Motion Regarding Scheduling of Motion for Preliminary Injunction and Motion to Dismiss filed by Plaintiff Online Merchants Guild and Defendant Nicholas Maduros, Director, California Department of Tax and Fee Administration, IT IS HEREBY ORDERED:

1. Defendant's deadline to respond to the complaint is extended to December 18, 2020;
2. The parties shall employ the following briefing schedule:

December 18, 2020: Plaintiff files motion for preliminary injunction and

Defendant files motion to dismiss

January 29, 2021: Plaintiff responds to motion to dismiss and

Defendant responds to motion for preliminary injunction

February 26, 2021: Reply briefs


March 25, 2021: Noticed hearing date for both motions, subject to

Judge England's Standard Information and the Initial Pretrial

Scheduling Order dated September 30, 2020 (Docket No. 4)

IT IS SO ORDERED.

Dated: November 19, 2020


MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE